
REMARKS

This After Final Response is a full and timely response to the Final Office Action dated October 28, 2005. Reexamination and reconsideration are respectfully requested.

This amendment should be entered in that it at the very least reduces the issues for appeal by eliminating the reliance on the Li patent, thus obviating all rejections based on Li. Moreover, submission of the translation of the Delage reference raises uncertainty on how the examiner is reading the limitations of the independent claims 1 and 13 on Delage. Still further, it should be entered in that it raises uncertainty about the motivation to combine Delage with Brar.

Priority Acknowledgement

It is noted with appreciation that the Action acknowledged the claim for priority and the submission of certified copies of documents supporting that claim. In this respect, it is noted that the priority claim establishes a claim to a priority date of April 24, 2003; that date is earlier than the actual filing date of the cited Li patent, No. 6,870,184, filed on July 30, 2003. Since the examiner pointed out that the Applicant cannot rely upon the foreign priority papers to overcome this rejection without a translation of those papers, a certified translation of the foreign priority document accompanies this submission. Thus, the patent to Li is antedated by the Applicant's priority claim.

Claims

Claims 1 to 3, 5 to 7, and 13 to 17 were pending in this application following the amendment of October 3, 2005. Reexamination and reconsideration of the stated rejections is respectfully requested in view of the following.

Rejection of Claims 1 to 3 and 5 as Anticipated by Li, No. 6,870,184

Rejection of Claim 6 as Unpatentable over Li '184

Claims 1 to 3, 5 and 6 were rejected in the Final Action based on the '184 patent to Li. Because of the submission of the translation of the certified copy of the priority document, Li is antedated as a reference, so all rejections based on Li are overcome.

Rejection of Claims 13 to 15 and 7 as anticipated by FR 2726125 to DeLage

Rejection of Claims 1 to 3 and 5 to 7 as Unpatentable over Delage in view of Brar, No. 6,605,825

Rejection of Claim 16 as unpatentable over Delage.

A certified translation of the Delage French document accompanies this response. Based on that translation, the findings of the examiner based on the Delage document are traversed.

Delage, as the translation discusses, relates to semiconductor components with bipolar transistors, intended to function specifically in microwave frequencies as power amplifier or tunable oscillators. Important to the invention of Delage is the use of a condenser Cb – resistance Rb set in parallel where the resistance Rb is mounted in parallel to the base, in which the semiconductor device shown in Fig. 4 has a semiconductor substrate S, a layer between the substrate and collector C, on which a base layer B and emitter layer E are stacked. As explained, reference numerals cc relate to contact points on the collector layer, and reference numerals cb relate to other contact points on the base layer. Reference numerals (Fig. 1) bE relate to an emitter bus, while bB refers to a base bus.

The examiner refers to Fig. 5b as having a mesa portion where the emitter is shown (at the left of the figure) having a collector layer below the cb layer. But, Fig. 4 suggests that the layer cb is a contact layer for the base, not a base layer itself. In addition, it is not seen where Rb, described as a resistance in parallel with a base portion, is a contact pad mesa portion Rb as found by the examiner. It is believed that the reference to Fig. 1B should have referred to Fig. 5b.

It is requested that Fig. 5b be marked as a map for the limitations of Claims 13 to 15 and 17 in order to understand where parts in Fig. 5b of the Delage reference correspond to claimed language. In particular, it is not seen where the limitations concerning the “conductive layer formed...at part of a region of formation of said base layer other than the region of formation of said emitter layer” are met by the left hand portion, but if the area outside of where the emitter is laterally less than the base contact layer cb is intended, then the limitations regarding a base contact pad election are seemingly not met. Clarification is requested.

Claims 1 to 3 and 5 to 7 were rejected as obvious over the combination of Delage. The examiner correctly admits that Delage does not disclose the semiconductor device wherein an insulating film is formed below said conductive layer between said semiconductive mesa portion and said base contact pad mesa portion. Moreover, the points raised in response to the findings of the examiner supporting the rejection of claims 13 to 15 and 17, are again repeated.

Notwithstanding the findings of the examiner as to motivation, which are themselves a statement of result rather than motivation, it is not seen where in Delage there is any disclosure which would motivate one of skill to make the substitution proffered by Brar, and vice versa.

As to the rejection of claim 16 over Delage alone under section 103, the examiner has found, without citation of additional art, that the limitations relating to the distance between the semiconductor mesa portion and the base contact pad being 1 to 5 microns is obvious from the general gap seen in Delage. The shortcomings of Delage as to the base claim 13 are repeated as if fully stated, and it is suggested that a reference be provided showing at the very least the order of magnitude of the gap, otherwise not found in the reference,

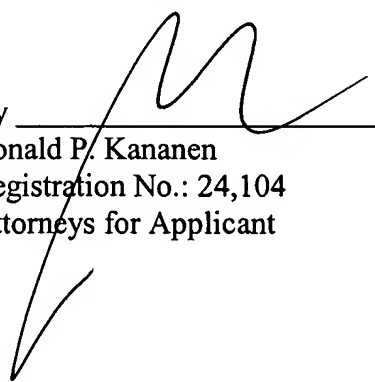
Withdrawal of the rejections are respectfully requested.

Conclusion

The remaining claims are allowable over the art of record as applied, and early Notice to that effect is solicited.

Dated: January 4, 2006

Respectfully submitted,

By 
Ronald P. Kananen
Registration No.: 24,104
Attorneys for Applicant

RADER, FISHMAN & GRAUER, PLLC
Lion Building
1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750
Fax: (202) 955-3751

Customer No. 23353